IN THE HIGHCOURT OF JUDICATURE AT BILASPUR: C.G.

F.A.No. 07 Of 2007

FIRST APPEAL UNDER SECTION 19,
FAMILY COURTS ACT,1984

Appellant
Husband : Shri Abhay Kumar Bose S/o Shri Vijay Kumar Bose, aged about 41 years, Administrative Officer In United India Insurance Co. Ltd., R/o Veer Savarkar Nagar, LIG-248, Heerapur Colony, Post Amanaka, Raipur (C.G.)

Vs.

Respondent
Wife : Smt.Vani Bose W/o Shri Abhay Kumar Bose, aged about 32 years, House-wife, R/o Shivanand Nagar, Sector-3, Shrinagar Raipur (C.G.)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** F.A.(M.)..7..... **सन्** 2007

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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**DB:- Hon'ble Shri L.C. Bhadoo, Ag. C.J. &**
**Hon'ble Shri Sunil Kumar Sinha, J.**

**6-2-2007:-**

Shri Sanjay Shyam Agrawal, counsel for the appellant.

Heard on admission.

This appeal is directed against the order dated 30-12-2006 passed by the 1st Additional Principal Judge, Family Court, Raipur in Civil Suit No.246-A/2005.

It appears that an application under Section 25 of the Hindu Marriage Act was filed by respondent herein before the Family Court in which Family Court passed an order for grant of permanent alimony in sum of Rs.3,000/- to the respondent wife against whom a decree of divorce was passed in Civil Suit at the instance of the appellant herein. It has come in para-2 of the judgment of the Family Court that in Civil Suit No.84-A/2005 on 10-8-2005 a decree of divorce was passed. It has also come in the said paragraph that during the course of pendency of the civil suit, as referred to above, a sum of Rs.1,000/- was granted as an amount of interim maintenance to the wife in the said proceedings. Apart from that, a sum of Rs.500/- was also granted to her in proceeding under Section 125 Cr.P.C.. In this manner, admittedly, wife was given a sum of Rs.1500/-, as an amount of interim maintenance, during the course of aforesaid proceeding.

After completion of the said proceeding, this application was filed by the wife under Section 25 of the aforesaid act for grant of permanent alimony. The wife had taken the ground that she was unable to maintain herself, therefore, some permanent alimony should be fixed. In the said application, the husband had taken the ground that she is an educated

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| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश 2 | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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lady, who was doing some private job, was also doing tuition and teaching work etc. and was earning a sum of Rs.5,000/-, therefore, her application should be dismissed. The husband had also taken the ground that he is receiving a substantive amount of Rs.7,000/- per month, therefore, it would not be possible for him to provide amount of permanent alimony to the wife. The Family Court after considering the facts and circumstances of the case, has awarded a sum of Rs.3,000/- per month.

Learned Presiding Judge of the Family Court after considering the evidence of both the parties reached to the conclusion that according to pay certificate, in-come of the appellant herein was Rs.27,138.44/-,and holding so, awarded a sum of Rs.3,000/-, as an amount of permanent alimony to the respondent herein.

Considering the facts and circumstances of the case, particularly, considering the income derived by the Family Court, which is not disputed by learned counsel for the appellant, we are of the considered opinion that amount granted to the respondent herein is not in any manner excessive or on higher side, which needs interference by this Court.

In the opinion of this Court, this appeal is without merit and the same is dismissed at the motion stage, without notice to the other side.

Sd/-
L.C.Bhadoo
Judge

Sd/-
Sunil Kumar Sinha
Judge

Barve

P.T.O.